

REMARKS

The Examiner's Action mailed October 10, 2006 has been given careful consideration by the applicants. Reexamination and reconsideration of the application is hereby respectfully requested. Claims 1-25 remain in the application.

The Office Action

Claims 1-25 were rejected under 35 U.S.C. §102(e) as being anticipated by U.S. Patent Publication No. 2004/0012501 to Mazzara et al.

The Claims Patentably Distinguish Over the Cited Art

The Examiner rejected claims 1-25 as being anticipated by Mazzara. However, as will be detailed below, the claims are not so anticipated.

In particular, independent claims 1, 10 and 20 relate to systems (and methods) within a network for allowing a user to initiate a process for performing vehicle functions on a vehicle through a remote mobile communication device -- wherein the network switching element comprises various features and the system itself includes various components, and associated methods. The system according to the presently described embodiments allows a user to perform various vehicle functions including unlocking doors, locking doors or starting a vehicle using a mobile communication device, e.g. a mobile phone. So, for example, as detailed in the present specification, one can envision a user of the presently described embodiments parking their car in a parking lot of a stadium and entering the stadium to enjoy a sporting event. While in the stadium, the user may realize that his or her car is not locked. Rather than leave the stadium, the user simply keys in an activation code on his/her phone (and through the telecommunication network) to automatically lock the car. Claims 1, 10 and 20 have been amended to clarify that certain components of the system are included within a network switching element and that the mobile user can use a remote mobile communication device, as opposed to a communication system that is resident on the car or vehicle itself.

Mazzara relates to a system for providing activation parameters for a telematic device. As can be best understood, Mazzara provides a system wherein the vehicle is in communication with a call center, such as in an On Star system. Fundamentally, the cited art does not describe a system as contemplated by the

presently described embodiments. Therefore, the cited art cannot be said to anticipate the claims of the present application.

More specifically, with respect to claim 1, Mazzara does not describe a recognition module operative to recognize a request to initiate a process for performing vehicle functions from a remote mobile communication device. In addition, Mazzara does not disclose an authentication module operative to authenticate that the user is valid and determine vehicles upon which the remote mobile communication device may initiate the vehicle functions. Indeed, the mobile communication device of Mazzara is resident upon the subject vehicle; therefore, a determination of which vehicle should be operated upon is not necessary. Mazzara also does not disclose a query module operative to query a user through the remote communication device as to which of the vehicle functions is to be performed. Last, Mazzara does not disclose a communication module within a switching element that is operative to transmit command signals to the vehicle to perform the selected vehicle functions based on the results of the above-noted query. Therefore, claim 1 is not anticipated by Mazzara. Likewise, dependent claims 2-9 are not anticipated by Mazzara.

Similar arguments exist with respect to independent claim 10. In this regard, the corresponding steps that are performed by the elements of the system, as recited in claim 10, are not taught in the Mazzara patent, as described in connection with claim 1. Therefore, claim 10 is not anticipated by the Mazzara patent. Likewise, dependent claims 11-19 are not anticipate thereby.

Similarly, independent claim 20 recites a means for performing the method of claim 10. As such, the same arguments that apply to independent claims 1 and 10 apply to claim 20. In addition, independent claim 20 includes means-plus-function language which should be construed in light of the specification and applied by the Examiner. The Examiner has not met his burden in this case. Therefore, claim 20 is not anticipated by the Mazzara patent. Likewise, dependent claims 21-25 are not anticipated thereby.

CONCLUSION


For the reasons detailed above, it is respectfully submitted all claims remaining in the application (Claims 1-25) are now in condition for allowance. The foregoing comments do not require unnecessary additional search or examination.

In the event the Examiner considers personal contact advantageous to the disposition of this case, he/she is hereby authorized to telephone Joseph D. Dreher, at (216) 861-5582.

Respectfully submitted,

FAY SHARPE LLP

April 3, 2007
Date

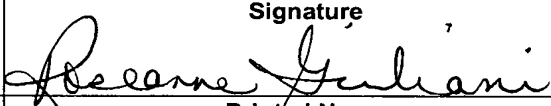


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